

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHER DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION



SHAWN L. LOWMAN JR.,
Petitioner,

)

)

Case No. 5:25-CV-00307

v.

)

Warden Holzapfel, FCI Beckley,
Respondent.

)

AFFIDAVIT OF FACTS

COMES NOW Petitioner, pro se, and in necessity and state the following facts under oath, subject to the penalty of perjury. The below facts are true to the best of my knowledge and remembrance.

1. From the date that I received my DHO Report, which was on February 21, 2025, my home Unit, A Poplar Upper has been on lockdown for 10 days of the 20 days required to file my appeal of the DHO's findings.
2. During those 10 days, I did not have access to a law library, legal mail, or the necessary forms to file my grievance on. I was unable to file the appeal until I had access to the law library, the forms, and legal mail access.
3. During lockdowns, I was held behind a cell door, unable to walk to the law library, unable to speak with my counselor, Mr. Morris to obtain the proper forms to prepare and file the appeal timely.
4. I asked my counselor for the form, upon coming off lockdown, as well as a memo stating the specific days that my unit was on lockdowns, so as to proceed with my appeal. Mr. Morris said that "Mr. Smith told me to stop writing memos for prisoners filing grievances." Without the memo, Regional Office will not accept my appeal. I told Mr. Morris this. I told Mr. Smith this. Neither will provide the required memo.

5. Until a memo is issued by my counselor, Mr. Morris, or Mr. Smith, I am obstructed from the appeals process, and this Court provides me the only avenue of due process.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Shawn L. Lowman Jr.", with a long horizontal flourish extending to the right.

Shawn L. Lowman Jr.
FCI Beckley
PO Box 350
Beaver, WV 25813